

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

HUAWEI TECHNOLOGIES CO., LTD.,  
ET AL.,

Defendants.

----- X

SEALED ORDER TO CLOSE  
COURTROOM AND FILE  
DOCUMENTS UNDER SEAL

18-CR-457 (S-3) (AMD)

Upon consideration of the motion of the United States of America, filed under seal, for an Order: to close the courtroom during the status conference scheduled for September 9, 2021 at 3:45 pm in the above-captioned matter, and for other relief as specified in the motion;

Having scheduled a public hearing on the motion and notified the public of the hearing by listing the date, time and location of the hearing on the Court's public calendar; and

Having held a public hearing on the motion at which the parties and any intervenors were provided an opportunity to be heard;

Based on the submissions of the parties, the Court makes the following findings:

1. There is a substantial probability that a public proceeding would prejudice compelling interests of the government in ensuring compliance with the court-ordered protective order, protecting a victim, and avoiding possible efforts to obstruct the government's prosecution.

2. No reasonable alternatives to closure of the courtroom exist that can adequately protect the compelling interests that would be prejudiced by a public proceeding, identified above; and

3. The prejudice to the compelling interests identified above overrides the public's and the media's qualified First Amendment right to access the proceedings, particularly where the closure is further limited as discussed below.

Accordingly, pursuant to United States v. Alcantara, 396 F.3d 189 (2d Cir. 2005), and United States v. Doe, 63 F.3d 121 (2d Cir. 1995),

IT IS ORDERED that the motion to close the courtroom during the status conference in this matter on September 9, 2021, to seal the transcript of the argument, and to seal the government's motion, the proposed order, and this Order is granted, except as noted below;

IT IS FURTHER ORDERED that the closure of the courtroom be tailored by requiring the government, with advance notice to Huawei Technologies Co., Ltd., Huawei Device Co., Ltd., Huawei Device USA Inc., and Futurewei Technologies, Inc., to move this Court to unseal the transcript of the proceeding when the prejudice to the government's interests no longer outweighs the public's qualified right to access; and

IT IS FURTHER ORDERED that the docket in this case immediately will be amended to reflect the occurrence of the hearing on the motion to close the courtroom, the disposition of the motion and the fact of courtroom closure.

SO ORDERED.

Dated: Brooklyn, New York  
September \_\_, 2021

---

THE HONORABLE CHERYL L. POLLAK  
CHIEF UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK